

ALLEGED SHIPMENT: On or about July 6, 1948, from the State of Texas into the State of Louisiana.

LABEL, IN PART: "Buffalo Brand Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: December 5, 1949. Pleas of guilty having been entered, the court fined each defendant \$50.

15693. Misbranding of tomato puree. U. S. v. Delta Canning Co., Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 26796. Sample Nos. 27053-K, 27389-K.)

LIBEL FILED: July 6, 1949, Southern District of Texas, against Delta Canning Co., Inc., Raymondville, Tex.

ALLEGED SHIPMENT: On or about August 7, 1947, and July 11, 1948, from the State of Texas into the State of Arkansas.

LABEL, IN PART: "Frost Brand Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the definition and standard.

DISPOSITION: December 5, 1949. A plea of guilty having been entered, the court imposed a fine of \$100.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

15694. Action to enjoin and restrain the interstate shipment of vitamin and mineral tablets. U. S. v. Cowley Pharmaceuticals, Inc. Preliminary injunction denied. (Inj. No. 186.)

COMPLAINT FILED: February 26, 1948, District of Massachusetts, against Cowley Pharmaceuticals, Inc., Worcester, Mass.

NATURE OF CHARGE: That the defendant had been, and was at the time the complaint was filed, shipping in interstate commerce certain foods (vitamin and mineral tablets) which were adulterated and misbranded in the following manner:

(Products labeled "Ferrovyt," "1000 Tablets Vitamins and Minerals," and "100 Tablets Vitamins and Minerals," respectively.) Adulteration, Section 402 (b) (1), valuable constituents, vitamins, had been in part omitted in that each tablet of Ferrovyt was represented to contain 333 U. S. P. units of vitamin B₁, each three tablets of the product labeled "1000 Tablets Vitamins and Minerals" were represented to contain 333 U. S. P. units of vitamin B₁ and 5,000 U. S. P. units of vitamin A, and each 3 tablets of the product labeled "100 Tablets Vitamins and Minerals" were represented to contain 5,000 U. S. P. units of vitamin A and 10 milligrams of niacinamide, whereas the tablets contained less than the stated quantities of the named vitamins. Misbranding, Section 403 (a), the statements, "each tablet contains vitamin B₁, 333 U. S. P. Units," "Each 3 tablets contain Vitamin * * * A 5000 U. S. P. Units, B₁ 333 U. S. P. Units," and "Each 3 Tablets Contain Vitamin A 5000 U. S. P. Units Niacinamide 10 mg.," on the labels of the respective products, were false and misleading.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from commission of the acts complained of, and that a preliminary injunction be granted during the pendency of the action.

The defendant also was charged with the interstate shipment of various adulterated and misbranded drugs. See notices of judgment on drugs and devices, No. 2961.

DISPOSITION: On April 2, 1948, the court entered an order denying the Government's motion for a preliminary injunction. Findings of fact and conclusions of law are published in the notice of judgment referred to above.

15695. Misbranding of Remin's Brewers' Hydrolyzed Yeast (Powder), Remin's Multi-Vitamin A-B-C-D Drops, Remin's Brewers' Hydrolyzed Yeast and Whey Powder, and Remin's (Powdered) Hydrolyzed Brewers' Yeast Vegetables and Whey. U. S. v. Eugene A. Kazmark (M & M Service). Plea of guilty. Fine, \$10. (F. D. C. No. 25624. Sample Nos. 16849-K to 16852-K, incl.)

INFORMATION FILED: August 4, 1949, Northern District of Illinois, against Eugene A. Kazmark, trading as M & M Service, at Joliet, Ill.

ALLEGED SHIPMENT: On or about April 13, 1948, from the State of Illinois into the State of Wisconsin.

LABEL, IN PART: "Remin's Brewers' Hydrolyzed Yeast (Powder) A Supplementary source of Hydrolyzed Brewers' Yeast and its natural vitamins B₁ and B₂," "Remin's Multi-Vitamin A-B-C-D Drops In A Base Of Brewers' Yeast Extract," "Remin's Brewers' Hydrolyzed Yeast and Whey Powder A Supplementary source of Hydrolyzed Brewers' Yeast and its natural vitamins B₁ and B₂," and "Remin's (Powdered) Hydrolyzed Brewers' Yeast Vegetables and Whey."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the labeling of the articles were false and misleading.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2964, in which is set forth the nature of the false and misleading statements referred to above.

DISPOSITION: September 19, 1949. A plea of guilty having been entered, the court imposed a fine of \$10.

15696. Adulteration and misbranding of Bevina. U. S. v. 13 Dozen Bottles * * *. (F. D. C. No. 27825. Sample No. 57001-K.)

LABEL FILED: September 6, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 27, 1949, by the Lorr Laboratories, from Paterson, N. J.

PRODUCT: 13 dozen bottles of Bevina at Brooklyn, N. Y.

LABEL, IN PART: (Bottle) "Whelco Twelve Fluid Ounces Bevina (Elixir Thiamine Hydrochloride) (Vitamin B₁)."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine hydrochloride (vitamin B₁), had been in part omitted from the article.

Misbranding, Section 403 (a), the label statements "Each fluid ounce contains 10 milligrams of Crystalline Thiamine Hydrochloride equivalent to not less than 3330 U. S. P. Units of Vitamin B₁ * * * three teaspoonfuls supplies 375% of the adult minimum daily requirement of vitamin B₁," were